



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

FEBRUARY 10, 2004

PRESENT: Acevedo, Benich, Escobar, Lyle, Mueller

ABSENT: Engles, Weston

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, Associate Planner (AP) Tolentino, and Minutes Clerk Johnson (Other staff in attendance were introduced at the commencement of agenda item2)

Chair Mueller called the meeting to order at 7:05 p.m. with the announcement that Commissioners had participated in a workshop for Evaluation of Residential Development Control System projects in FY 2003-04: Small and Micro Project Competitions *with the discussion centering on global issues.*

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Mueller opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

MINUTES:

**JANUARY 27,
2004**

**COMMISSIONERS BENICH/ ACEVEDO MOTIONED TO APPROVE
THE JANUARY 27, 2004 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 6 paragraph 4: 1st line:costs of phase(s) 1 – 3; 4th line: right-of-way

Page 13: (Add – following paragraph two): *Mr. Kennett said that the north side of Cochrane is lighted in this area.*

Page 14 paragraph 1: Commissioner Escobar...consensus.... ~~no additional lighting~~

Page 15 Page 11, XIII, B Change to: **Streets built to collector standards; no**

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sound wall, increased landscaping along roadways, ~~no additional lighting~~, existing cul-de-sacs upgraded with landscaping

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER; NOES: NONE ; ABSTAIN: NONE; ABSENT: ENGLES, WESTON.

OLD BUSINESS:

1) SDA-93-04: SAN PEDRO-BETPOLICE/INSTALLATION OF SOUND WALL FOR THE VILLAS SUBDIVISION

A request to amend the condition of the subdivision map approval for a 41-unit single family residential development; the "Villas Subdivision" located on San Pablo Ct., San Benito Pl., San Gabriel Ave. and San Gabriel Ct., to allow an alternative design and placement of a sound wall fence within the existing development.

PM Rowe presented the staff report indicating that negotiations are on-going with the two Homeowners Associations involved in the discussion regarding alternative design and placement of the sound wall fence within the existing residential development. He stated a continuation is being requested to the February 24 meeting, as resolution is being actively sought. Chair Mueller questioned if the matter should be tabled or continued, noting a long standing Commission practice of allowing only two continuations. "Will this matter be ready by the 24th?" he asked. PM Rowe explained that the staff believes that to be the case and said the special circumstance of this particular issue warrants continuation.

Chair Mueller opened the public hearing. No persons present indicated a wish to speak to the matter. **COMMISSIONERS ESCOBAR/ACEVEDO MOTIONED TO CONTINUE THE MATTER OF SDA-93-04: SAN PEDRO-BETPOLICE: INSTALLATION OF SOUND WALL FOR THE VILLAS SUBDIVISION TO FEBRUARY 24, 2004. THE MOTION CARRIED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; ENGLES AND WESTON WERE ABSENT.**

NEW BUSINESS

Applicants for the following proposed residential developments have requested a building allotment under the City's Residential Development Control System pursuant to Chapter 18.78 of the Morgan Hill Municipal Code:

PM Rowe explained that agenda items 2 – 7 are to determine if the applicants can (be eligible to) receive allocations in the upcoming Measure P competition. He stressed this is strictly preliminary and that the staff has scored the projects, with the Commissioners being asked tonight to review that scoring for possible adjustment. "If these projects are permitted into the competition to allow potential award, the applicants must still go through the formal approval process," PM Rowe informed. Then he explained the various parts of the process which the entire application would require. "Those actions," he said, "would be subsequent to the application and hearings before the Planning Commission and the City Council. Should the applicants not be successful in obtaining approval for award, then application could be made in the future." PM Rowe called attention that the Peebles-Murray application had been withdrawn before scoring occurred.

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PM Rowe further detailed that a memo had been sent to all the applicants, in which the scoring was explained. He also explained scoring adjustments which would be dealt with this evening and said a letter would be sent to the applicants regarding any current changes or updates. PM Rowe said that at this meeting, if the applicant is in agreement with the review staff has conducted of their request for adjustments, the applicants or their representatives should so indicate, not going in-depth into details. PM Rowe also explained the discussions during the workshop at 6:00 p.m. this evening, indicating that any changes as a result of that workshop will be acknowledged during the public hearing for each project.

PM Rowe then introduced the Staff present who have input as part of the point recommendation team, which evaluates thirteen different categories during the scoring process. Wayne Hokanson, of the Santa Clara County Fire Department who helped score Safety and Security, along with the City Police Department representative. Emi Totschinger, who worked on Public Facilities scoring. SE Scott Creer who looked at Circulation issues, and AP Rebecca Tolentino, responsible for scoring the Orderly and Contiguous category. PM Rowe then told of other staff who worked on the scoring and their categories of expertise. "There are many individuals who work diligently to assess scoring," he concluded.

Chair Mueller reminded that at this meeting PM Rowe will give overview of each of the agendaed projects, then questions from the Commissioners will be heard, and finally speakers from the public who have interests. Chair Mueller also announced that the order of the agenda would be changed to the following as some Commissioners would be departing the meeting due to conflict of interest:

Items 2 – 3 – 4

Items 8 – 9

Items 5 – 6 - 7

2) MMP-03-06: DEWITT-LATALA

A request for Residential Development Control System (Measure P) building allocations for Fiscal Year 2005-2006. The project will consist of four single family detached dwellings plus one replacement dwelling on a 1.45 acre parcel on the west side of DeWitt Avenue, south of West Dunne Avenue.

PM Rowe presented the staff report, telling of the proximity of this project to other successful projects in the immediate area. This project, he said, would help with the continuation of street and enhance neighborhood access. The score for this project is 150 points which puts it in first place in the Micro category. Regarding adjustments, PM Rowe informed, there have been no changes to the scoring. However, the applicant and his engineer have asked for an increase in the Orderly and Contiguous category as the applicant says he owns to the center line of DeWitt avenue. Pm Rowe reiterated that no scoring adjustments were made on the basis of the argument presented by the applicant.

Commissioner Lyle said it is important to consider an issue in this project as one of the global issues the Commissioners discussed in the workshop, and that was *Schools*. Commissioner Lyle cited the walking passageway to Brittan school, explaining this project and one other will lose points. The other global issue is *school improvement*, where there is a question. PM Rowe said the issue is being left to the schools

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representative to decide and score the matter.

Commissioner Acevedo asked since this is a Micro, could it be attached to others on Price Ct.? PM Rowe responded, "No, all the parcels are in separate ownership."

Chair Mueller opened the public hearing.

Bill McClintock, PO Box 1029, of MH Engineering, told Commissioners this is infill and completes the connection to Price Drive. Mr. McClintock asked for one point in the *Orderly and Contiguous* category as he read from the criteria of Measure P, saying this is clearly defined and meets the standard. "These properties own to center line of Dewitt," Mr. McClintock said. Mr. McClintock also referenced the letter he had written, saying the description noted clearly references this project as being in the central core. As to schools, Mr. McClintock indicated the walking distance to Brittan School is clear. "I don't know why this is being challenged? Why did we lose points?," Mr. McClintock asked. Commissioner Lyle responded that the project shouldn't have gotten the points in this category in the first place, which caused discussion regarding which streets are designated as arterials and which are collectors.

With no others indicating a wish to speak to the matter, Chair Mueller closed the public hearing.

Chair Mueller asked PM Rowe if the street is inside the central core area as defined in the RDCS ordinance? [No]

Commissioner Acevedo said he can understand Mr. McClintock's argument. "I kind of see, but know we must draw the line. But it does appear to be abutting the edge of the central core, with maybe a small piece into the core, but it seems technically not within the core. However, we must draw the line – and it is drawn," Commissioner Acevedo concluded.

Commissioners Escobar and Benich agreed; consequently the scoring did not change.

Chair Mueller explained that scoring for the Planning Commission scoring won't be completed until the next meeting following the receipt of the staff report.

3) MMP-03-08: DEL MONTE- GIOVANNI

A request for Residential Development Control System (Measure P) building allocations for Fiscal Year 2005-2006. The project is a six unit single family residential project on a 1.07 acre parcel on the east side of the northerly extension of Del Monte Avenue, north of Christine Lynn Drive. .

PM Rowe presented the staff report, stating that the location is at Del Monte and Christine Lynn Dr. The scoring adjustments include: part 1 - *Police and Fire* which now totals 9.0. This adjustment PM Rowe said is significant. The project needs one point for Fire/Police, but did not get that point because of the location; failure to get the 1/2 point based on lack of Police patrol access, so the project was not eligible for that score. The part 2 initial score was 139 points, making the project take third place. The *Orderly and Contiguous* category score has been readjusted to 16 points so the new total is 140, PM Rowe said.

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Commissioner Benich said he thought that even though the project lost 1/2 point, it should still be eligible. Other Commissioners, citing the Measure P criteria, said it was not eligible. Commissioner Benich continued, asking if a project doesn't meet criteria, could change be made to work with it – like installing fire extinguishers? PM Rowe explained that the Fire Department representative who did the scoring could speak to this. PM Rowe explained how points can be given regarding response time for Fire and Police. He said that a total of 1-1/2 points were available in this category based on fire response times and .5 point is based on access for Police patrols.

Wayne Hokanson, Fire Department representative, explained that the loss of points was due to the location not being available for police patrolability. Hokanson explained that an alternative plan had been presented as well, but that it does not seem to meet criteria of Measure P. Mr. Hokanson addressed the prescribed travel times (relative to distance) from the nearest fire station. Mr. Hokanson agreed with PM Rowe and the Commissioners that the criteria in part 1 does not provide for alternate means of service.

Chair Mueller opened the public hearing.

Bill McClintock, PO Box 1029, of MH Engineering, told Commissioners this is the first time this application has been through the Measure P process. "It's a small project but it is important to the applicant," Mr. McClintock said. "The project is in blighted area and it's admirable that the applicant wants to do it." As to the Part 1 scoring, with the one-point minimum having been given Police and Fire, Mr. McClintock said there will be basically ~~patrolability~~ patrolability presented. "I could understand if we were not proposing to put Del Monte through to Llagas and that will cost \$86000, which the applicant has committed to." He explained the location of the proposed extension, which he assured would increase patrolability. Saying he understood there was a question about the right-of-way, Mr. McClintock said he has ordered a title report on the adjoining properties. "We believe we can do the improvements – and those improvements are extensive amounting to \$13,000 per unit, he said. We should know within a week regarding the right-of-way issues," Mr. McClintock informed. "I believe that this project would be beneficial," Mr. McClintock declared, "if the street is open it would benefit others in the area." Mr. McClintock said that his talks with Public Works have resulted in being told that this street would be a requirement for approval but no point/credit is available even though the project will offer 25-ft of right-of-way. Mr. McClintock indicated that storm drainage calculations were not done, as the pond is off-site and saying that he thinks criteria doesn't require calculations to be presented in that case. We will build as many pipes as necessary to garner more points, Mr. McClintock told Commissioners in response to a question.

Commissioner Lyle said the right-of-way issues are key. He then asked that if the developer put in a 25-foot extension for widening of the street, would that make it a collector? [Yes]

With no others present who indicated a wish to speak to the matter, the public hearing was closed.

Chair Mueller asked the Commissioners that, regarding part 1, if the applicant can clear up the right-of-way issue, should staff be asked to reconsider scoring. All Commissioners present agreed this should occur. Chair Mueller indicated that the schools issue should

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also be included in the scoring decision, as having a collector road may affect the scoring for the schools.

Regarding part 2 scoring, Emi Totschinger responded to Chair Mueller's question whether new information had been presented by Mr. McClintock, as the detention pond had been considered on-site because the owner has indicated there will be detention pond sharing with the adjacent property, which would indicate off-site placement.

Commissioners said that if there is dedication of City right-of-way on Del Monte Ave., more points could be possible.

SE Creer explained that there is a 32-foot minimum right-of-way (not 25-feet) for 1/2 of a street.

Commissioner Acevedo explained that he has trouble understanding on-site detention or if it is adjacent to this property. Chair Mueller said the applicant must have a letter saying that there is agreement; if the amenity is not part of project, but agreeable the letter must be included with the application. Commissioner Lyle agreed, saying that offsite improvements present a concern. "Future owners must be held to such agreement," Commissioner Lyle said.

Others Commissioners indicated the detention pond appears to be off-site and there was consensus that the scoring should be reconsidered because of the off-site issue.

Discussion ensued regarding the street width and the right-of-way. Mr. McClintock said that in the frontage of the project, there is a full street and in addition, there is planned phased improvements with a proposed 32 foot minimum to meet City standards. He emphasized that the current plan has two 10-foot travel lanes, noting that the parking shoulder area is not needed, as this will be a through street and parking is not needed.

4) MMP-03-09: W. MAIN- VIERRA A request for Residential Development Control System (Measure P) building allocations for Fiscal Year 2005-2006. The project is a five unit single family residential development, plus one existing dwelling unit, on a 4.54 acre parcel located on a westerly extension of Via Grande and southerly extension of John Telfer Drive, south of West Main Avenue.

PM Rowe gave the staff report saying the application is currently under appeal. The question is, he explained, if part of the project is in the Open Space designation of the General plan. PM Rowe explained what is allowed within the Open Space designation. The appeal, PM Rowe informed, is at the City Council level. The Councilmembers directed the City Attorney to take the matter to court and let a Judge rule on the appeal. The application, PM Rowe said, is progressing as if the appeal will be successful, but will not be finalized until the appeal is over.

Reporting further, PM Rowe said that in the scoring, the following is accurate:
Orderly/Contiguous no changes
Public Facilities (page 21 2F) 9>10 points
Safety/Security (within fire hazard area) PM Rowe told how fire hazard area was determined so part 1 score in this category is 9.5 points
Part 2 adjusted total score: 148.5

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It was pointed out that in this application, Schools was considered as a global issue and will require scoring adjustment.

Commissioner Acevedo said this project is opposite of another heard earlier. The detention ponds, while built on adjacent property, appears to be built in an active spring area.

Chair Mueller said he has concerns that the ~~project~~ *pond* would not benefit homeowners, as it should.

Commissioner Benich inquired about the hazardous fire area location, asking that even if sprinklers were installed in each of the dwellings, would the project be eligible for points? It was pointed out that because of the location within the hazardous fire area, fire sprinklers were already required, and therefore the project is not eligible to receive the points for a code requirement.

Chair Mueller opened the public hearing.

Bill McClintock, P.O. Box 1029, of MH Engineering, spoke on the following :

- Lot Layout
- 32 foot versus 20 foot traffic lanes
- Open Space
- Water detention ponds In response to a question from Commissioner Lyle, Mr. McClintock explained the drainage ditch location
- Regarding the five lots (the remainder areas across the proposed street), Mr. McClintock said the developer had tried to give lots across the street to the adjacent property owners there, but the offer was refused.

The following persons spoke in opposition to the project:

Colleen Fettig, 945 Via Grande, who presented a letter to the Commissioners regarding her concerns. In response to an issue of notice for the hearings, PM Rowe explained the methods of hearing notices, and emphasized that there will not be a separate notice for the Planning Commission hearing on February 24 regarding these matters.

Monty Jensen, 880 W. Main Ave., reiterated fire hazard issues.

Susan Bernardini, 900 W. Main Avenue, who addressed *Orderly and Contiguous*, saying this project would directly affect a sensitive area and indicated that residents should be able to expect Measure P to be followed. This encroaches on open space, she said. Ms. Bernardini also expressed concern regarding fencing, landscaping, and what she referred to as several different submitted maps. Ms. Bernardini stressed that there had been no effort to give *segments* of the five lots to the existing adjacent homeowners.

Howard Vierra (no card provided) the applicant, spoke on the following:

- The *segments* of five lots on other side of the road, which he reiterated he had been willing to give to the adjacent homeowners.
- CC&Rs
- Landscaping on each side
- Open space/general plan

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- Street placement/reasons
- Water issues
- Detention pond (it is intended to collect and measure out water from draws about the project)
- Curb and gutter and streets
- How drainage water will be controlled at the street level

Commissioner Lyle asked Mr. Vierra about the CC&Rs and whether a Homeowners Association (HOA) would be involved? Mr. Vierra said the CC&Rs will be done when the project is approved and noted that a HOA is a 'possibility'. Commissioner Lyle said this could potentially be a global issue for scoring under the Open Space category.

Commissioner Lyle asked who the owner of the property is? Mr. Vierra replied it is Mrs. Acton.

Chair Mueller said it appears that new information has been received, so Commissioners can anticipate an updated staff report at the next meeting.

James Kavitsky, 890 W. Main Avenue, said he lives next door to the property and believes the scoring on the *Open Space* category is the biggest controversy. He said this project encroaches on the open space line of City Planning map. "People make purchases based on this line. At the City Council meeting, the Mayor said he was on the Planning Commission when those lines were drawn, and they were not arbitrary. I believe the open space line is accurate. Even if the applicant gets approval from the Court, the project should get lower scoring in that category," Mr. Kavitsky said.

With no others present to address the matter, the public hearing was closed.

Chair Mueller announced that because of the input on this item, staff will review the report and scoring. PM Rowe said staff will report on those items within the Commissioners purvey, and will respond. Other items and issues, he said, will continue at the City Council and through the Courts.

Commissioner Acevedo asked if there is any precedence on open space of housing developments? He continued by citing *the spring a project along Spring Ave. regarding the Open Space issue*, asking if this is a different issue? PM Rowe explained this is designated as open space, and told how this differs from the other application.

As previously announced, items 8 and 9 were taken up at this time.

OTHER BUSINESS:

8) REVIEW OF DIRECTION GIVEN BY COMMISSION REGARDING THE FILING REQUIREMENTS FOR THE

PM Rowe explained the seven summary items which will be returned to the Planning Commission on March 24 following the Measure C election to update and edxtend the Residential Development Control System. If the voters approve the measure, the Commissioners will be expected to address the supplemental allocations at that time.

Chair Mueller opened the public hearing.

Richard Oliver, 275 Saratoga Ave., Santa Clara, was present and questioned the

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SUPPLEMENTAL MEASURE "P" APPLICATIONS

necessity for following east-west split requirements.

With no others present to speak to the matter, the public hearing was closed.

PM Rowe said that under the ground rules the award for FY 06-07 would eliminate the east/west split, *but not for any supplemental awards for FY 20004/05 and FY 2005/06.*

Commissioner Lyle said that under Measure C that would happen, but it is almost a moot issue ~~as the applications on the west side are lower on the list of eligible projects.~~ *since the allotments already given, plus the affordable project likely to get allotments, will likely satisfy the west requirement*

Chair Mueller clarified that the bulk of the supplementals would go to the east.

Chair Mueller said there is a need for information from the development community as to who is ready to receive units? "We need to know before March 24," he stressed.

Chair Mueller asked PM Rowe when a status against the ABAG requirements would be known? Chair Mueller said that also in the March 24 report the City needs to come as close as possible to the ABAG numbers.

Commissioner Acevedo indicated there is probably a need for some qualifying language regarding summary item 2. "When scoring, if we need to look at specifics, and want to 'leapfrog' over a project, we may need 'wiggle room'," he said. Chair Mueller said that if the Commissioners follow the letter of Measure P, there is not wiggle room: if a project is the highest scoring, it gets all the allocations that project wants, then 'leftover allocations' go to others. "We can't put a qualifier on something that is in Measure P," Chair Mueller said.

Commissioner Escobar indicated the belief that there were not significant enough numbers to provide for alternatives to the process. "If there is not a problem, why would we want to do so?" he asked.

Commissioner Acevedo said there could come a time when the Commissioners would want to consider alternatives.

Commissioner Lyle said the Commission could deviate for specific reasons, but if those reasons can't be identified, there would be no reason nor justification.

Chair Mueller asked if the Commissioners were comfortable with the presented guidelines for proceeding to the March 24 meeting? Commissioner Lyle suggested that there is a need to make it very clear that these (the summary 7) are guidelines. Commissioner Lyle continued that on summary item 1, there needs to be clarification:Supplemental allocations for new projects (*phases*) ...Following discussion, it was agreed by consensus this would be included – in writing – when the matter is considered in March. Commissioner Lyle also said it is important in talking about meeting the ABAG numbers that it be noted there is concern about minimized FY 06-07, in that some of the existing projects may not get allocations. "I would not be opposed to having the existing projects have the allocations," he said. PM Rowe was directed to ask the minimum number of allocations the developers would need to get their projects started. Following discussion, it was agreed that staff should ask for the maximum number of allocations they could easily handle as well. Commissioner Lyle said a big concern is

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that in FY 04-05 the City may not get applications to warrant the supplementals.

9) CR-04-03: DIANA-KUBO

The Planning Office of the County of Santa Clara is requesting the City of Morgan Hill to review and provide comments on a use permit and architectural and site approval (ASA) application for an existing mushroom farm located in the unincorporated county.

AP Tolentino gave the staff report, saying these applications are typically county referrals done administratively, but because this application requires a County Use Permit and the number of issues involved, this application came to the Planning Commission.

The County approved the original Use Permit ten years ago. It is unknown, AP Tolentino explained, whether the new use permit contains provision for any new construction. Additionally, she said, it is ambiguous if the expansion areas were put into place in 1993 or if they are new at the present time. The County did not clarify in the documents sent to the City. AP Tolentino said that even though the issues are not clear, the County still must provide complete data to the Commission for its review.

AP Tolentino described the concerns staff has with the application and believes it to be incomplete:

1. Need for a Grading and Drainage Plan
2. A complete and accurate project description
3. A Statement of Proposed Operations for the City's review and comment

Due to lack of information, the application has been considered to be incomplete. Other concerns include having a plan for ways to reduce odors as this operation is more malodorous than other mushroom growing operations in the area.

Furthermore, AP Tolentino reported, there are issues with the on-site drainage.

Commissioner Lyle said that even if the problems described were resolved, the Commission could not provide a positive recommendation as this plan still would be inconsistent with the General Plan. Commissioner Lyle also called attention to the Environmental Assessment, as C6 incorrectly marked [it was checked yes, but without explanation (page 4)].

Commissioner Acevedo said that the transportation issue is of concern, but the applicant says it is not. That's a pretty busy street," Commissioner Acevedo said, "and the application indicates an increase in traffic during commute times."

Commissioner Lyle said there will be visual impact to Highway 101 if the expansion is the size indicated in the data.

Chair Mueller opened the public hearing.

With none present to speak to the matter, the public hearing was closed.

Commissioner Acevedo turned again to the transportation issues, noting that on page 7 7E, Dunne and Condit are busy streets, mainly during high school commute. The applicant, Commissioner Acevedo noted, says that used compost will be removed

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weekly – and it can be assumed that growth compound will also be delivered, thereby creating additional traffic. Commissioner Acevedo expressed concern also regarding waste from the operation on existing planned growth in the area. His concerns included: high noise levels, decreased aesthetics, the fact that this operation is different from what is around there now (residential, Ford store, etc.). Commissioner Acevedo said that a positive thing has occurred with the operation: they have planted a lot of trees and those are fast growing. As to whether the expansion will be growth inducing, Commissioner Acevedo, said, “No, that’s probably true. It would hardly be growth inducing.”

Commissioner Benich indicated concern about the odor.

Chair Mueller reiterated the visibility of the operation from Hwy 101.

Commissioner Acevedo said first and foremost, this plan is non-conforming from the General Plan. He expressed opposition to expansion, “Not only is it an incomplete application, but support would make the non-conforming to be perpetuated,” Commissioner Acevedo declared. He went on to list the potential impacts: more density, increased housing and traffic increase in an area where the aquatic center is to be constructed. “Also,” Commissioner Acevedo said, “we are concerned about the marketing impression of Morgan Hill in general.”

Chair Mueller asked if the land to the south is in the Urban Service Area? [Yes] He then said, “We made a commitment to have office and industrial space at that location.”

COMMISSIONERS ACEVEDO/ESCOBAR MOTIONED TO SEND CR-04-03 BACK TO SANTA CLARA COUNTY AS AN INCOMPLETE APPLICATION, AND DIRECTED STAFF TO STRESS THE INCOMPLETENESS IN THE AREAS SO NOTED:

1. Need for a Grading and Drainage Plan
2. A complete and accurate project description
3. A Statement of Proposed Operations for the City’s review and comment

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLES, WESTON.

Chair Mueller announced the regular order of the agenda would be resumed at this time. Commissioners Acevedo and Escobar were excused before the resumption of business due to a conflict of interest in item 7. Because items 5 and 6 are also in the ‘small project’ category, Commissioners Acevedo and Escobar were exempted from discussion.

5) MP-03-03: WATSONVILLE- FAHMY

A request for Residential Development Control System (Measure P) building allocations for Fiscal Year 2005-2006. The project is a proposed 11 unit single-family residential development on a 3.2 acre parcel located on the south side of Watsonville Road, opposite La Alameda Drive.

PM Rowe offered the staff report, saying this is first of the small projects. He reminded this had been discussed at the 6:00 p.m. workshop as to whether it should be a small or large project. PM Rowe explained how the properties are linked, adding that the

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applicant applied for this as a small project.

PM Rowe told of a scoring adjustment in part 1, which now has a total of 9.5; consequently this project has passed part 1. "Incidentally, all the small projects passed part 1, as well," PM Rowe informed.

As to part 2, PM Rowe said, this project has a total of 163 points, giving this application third position of these three. PM Rowe said the initial adjusted scoring indicates: no point changes recommended and therefore the initial scoring by staff stands at 163.

Commissioner Lyle asked if global issues of Open Space and Park and Pathways has bearing in this application?

Chair Mueller opened the public hearing.

Stewart Fahmy, 331 Santa Rosa Dr., Los Gatos, the applicant, said he has a concern that the decision could be this is not a small project because the other two projects south are owned by the same owner. He said he had discussed with staff that three properties were owned by one owner, but had no indication that this would be issued. Mr. Fahmy insisted that this would be an independent project. "I saw today this has become an issue and this may influence the scoring based on criteria of Measure P," Mr. Fahmy explained. He asked for reconsideration for the project to be in the small project category, and 'move forward'. Mr. Fahmy said that the 'injustice' is that just today he found out that this might not be a small project.

Chair Mueller said as a point of record, last year when the Commissioners saw this project, it was suggested it needed to be considered as part of a much larger project, and suggested that a master plan would be appropriate for a much larger project.

Commissioner Lyle reminded this has been scored as a small project. "I still have significant problems with that scoring, as I think that the Planning Commission believes this is not a small project. *This project needs to be reviewed for Circulation Efficiency (B 3b), and the global issues in Open Space and Parks and Paths.*" Other Commissioners concurred.

Mitch Gabriel, 7851 Elgleberry, Gilroy addressed several issues on the project including:

- Public Facilities, with emphasis on the water line which he describes as making a loop and being gridded back into Watsonville Rd., thereby creating a water line
- Storm drain placement along pavement 'best for future construction', saying he thinks Measure P allows and that he believes to be the best for this location
- Lot Layout and Orientation, the sideyards do not vary – all are over 5' –except for lots 9 and 10 vary 7 ft. or more
- Remnant at the end of the cul-de-sac will be all dedicated right-of-way with a buffered landscape area.
- Significant trees which they have tried to save with others moved. (This is an orchard so can't avoid tree removal.
- Existing structures in the right-of-way
- Circulation Efficiency – will provide full street stub on west and on east, change

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- configuration so the alignment is brought up and made more rectangular
- Future development is possible, as the former developer did put in utilities

Vince Burgos, 352 So. Eagle Nest Lane, Danville, addressed the Commissioners on the following issues:

- Stub street at the end of the property – Mr. Burgos said it satisfies criteria of Measure P, as he cited other projects in past which bear similarities
- Trees – significant amount of trees will be retained whenever possible or relocated; the applicant is concerned about cost, but will do for the points.
- Circulation Efficiency - pathways last year saw where pathways redundant, look at benefits, created meandering design, given considerable thought and decided this is the best location for pathways. “This is not a park, but residents can walk through this space – this will provide a connection to the area park,” Mr. Burgos said.
- Natural and Environmental (concerning the duet unit) - better to flip one of the units so the drives are not adjacent- if it could have been modified, then would have the drives separated with landscaping. Most of the decisions regarding the duet unit resulted from concern with the windows – but landscaping would satisfy privacy.
- Orderly and Contiguous: detention pond off site (staff has indicated this as a negative) proposed retention only two properties over. Mr. Burgos said they have been looking at how other properties would be affected
- The long cul-de-sac and the relationship to Watsonville Rd. According to Mr. Burgos, SE Creer has said that another opening to Watsonville Rd. is not OK.

Commissioner Lyle asked if there are less than 260 feet between the proposed streets to enter Watsonville Rd.?

Mr. Burgos insisted the entrance is not a cul-de-sac at this time, and he just wants it to be recognized correctly.

Other items discussed were ingress/egress, HOA, and phasing.

With no other persons present to address the matter, the public hearing was closed.

SE Creer was asked to address several questions on circulation. He said that with respect to proposed cul-de-sac, if it is allowed, the developer would be required to put in a raised median on Watsonville Rd., so that right turns-in only would be permitted. It would be constructed as part of an overall plan. “We don’t want long-term access off Watsonville from the future cul-de-sac, but interim access would be ok.” Continuing, SE Creer said that regarding the stub street issue: this category offers a possible 2 points – this application got one; the other request was ‘anemic’.

During discussion, Commissioners indicated a tendency to view the project as needing to be part of a larger project. “This appears to be a little subproject with a lot of problems that haven’t been mitigated. If there were an RPD (master plan) for the whole area - that would be beneficial for entire area/community. There are many flaws in approaching it this way,” Chair Mueller declared.

Other issues discussed were:

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- Stub street
- The cul-de-sac
- Water gridding areas

Ultimately, the scoring and designations were not changed. The Commissioners urged the applicant to work with staff to study the feasibility of an RPD including the adjoining properties. *Of particular concern was the need to have the project reviewed for Circulation Efficiency (B 3b), and the global issues in Open Space and Parks and Paths*

6) MP-03-04: COCHRANE- BORELLO

A request for Residential Development Control System (Measure P) building allocations for Fiscal Year 2005-2006. This project is a 15 lot single family residential development on 13.78 acres on the easterly side of St. Marks Drive, south of Cochrane Road.

PM Rowe gave the staff report, reminding this project had received a passing score on part 1 and had achieved a total score of 173 points. He gave an overview of the scoring adjustments, noting that in the Natural and Environmental category the site plan indicates preservation of all the trees. "In scoring this project a year ago, points were not granted because there was no indication that effort would be to preserve trees, so there was a signal that if the trees would be preserved, then a point would be given. So in making the adjustment, there was need for clarification," PM Rowe said.

Chair Mueller opened the public hearing.

Vince Burgos, 352 So. Eagle Nest Ln., Danville, representing the applicant, said that credit was not given for the pathways. This is a different setting, he said, a rural standard exists along Coyote Park. There are no sidewalks, and it would be awkward if City sidewalks were placed. The plan here, Mr. Burgos declared, is a better fit: wide bike paths already committed to paths in area rural standard on one side of Cochrane and a City sidewalk would not be consistent. The developer is hoping that the City will allow variance for a beneficial situation.

David Fanaram, 1960 Cochrane Rd., told Commissioners he had moved here in 1975, is in the County and would not like to annexed because of this project. Mr. Fanaram said the thinks traffic problems would increase. "It certainly would change the flavor of the area if this project is allowed," he asserted.

With no others present to speak to the matter, the public hearing was closed.

Commissioners discussed several issues relating to the application, including:

- Retention of a rural flavor for this area
- Traffic because of enhanced recreational areas
- Upgrading the streets
- Rural standards
- Development schedule (applicant requests eight units in this phase, but says could get by with half and will ask for future rest)

Staff was directed to review and look at potential revision of scoring in the following categories: A) Natural and Environmental, and B) Schools

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7) MP-03-05: HILL-GERA

A request for Measure P building allocations for Fiscal Year 2005-06. The project consists of 9 single family dwelling units on 8.32 acres on the west side of Hill Road between Pear Drive and Jean Court.

PM Rowe gave the staff report, saying this project on Pear Dr. will complete the circulation plan in this area. In the Lot Layout category it does not provide for a park – but provides an extension to existing park. However, the project received a total of 171 points.

The Commissioners questioned staff regarding roads, schools, available improvements (such as those the applicants says will be linked to the Bamdad project) and whether points would be given for those available improvements, the planned bikeway. SE Creer informed the General Plan calls for a class 2 (bike way) this is class 1 (separated and dedicated) as he explained the differences between the two designations.

Chair Mueller opened the public hearing.

Bill McClintock, PO Box 1029, of MH Engineering, said the project had been around ‘several times’. Mr. McClintock pointed out the project has a number of good qualities:

- It is infill
- Has been planned with ‘beautiful homes’ all single-story, which is compatible to the area
- Six of the nine units have street construction as frontage so can proceed to building quickly
- Proposed pathways to schools (Mr. McClintock noted the project has gotten points for this feature in the past and should have the points now, too)

Mr. McClintock complained that there was no notification to developers regarding changes in the rules. Commissioner Lyle reminded that Measure P criteria is clear about placement of projects within a 1.5 mile range of school facilities, which are clearly listed. Mr. McClintock continued that in the Lot Layout category, the project didn’t get the points last year with the reason given by staff: the expansion to the park wasn’t a usable area. “So we thought this year to expand that area with sod, turf, trees, and a proposal of expansion of the park to the central area in an ‘aggregated assemblage of usable space’,” Mr. McClintock said. “In the Natural and Environmental category, the developer has sought to protect open space/ag land and so has moved houses back (lots 1 and 9) with excessive set-backs. By making these changes, and ensuring this protection for the agriculture business, we want two points.”

Commissioner Lyle read from the criteria regarding ‘park open space’, “Large, meaningful open space areas conveniently located within project area” and asking if that were truly the case with this project? Mr. McClintock said that it is convenient since all the streets in the project lead to the park. “Mr. Gera was encouraged to be included into the adjacent HOA,” Mr. McClintock said, indicating that a letter noting that fact had been included with the application.

George Gera, Uvas Rd, the applicant said that as to the park situation, he had been in contact with Pear Tree Estates where the zoning is for large lots. “These homeowners have parks in their back yards, and so wanted to get the cost down and keep the project

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park beautiful, so they encouraged me to join HOA and help with maintenance through the expansion of the current park. There are only eight homes in that subdivision and they want me to be part of it, so this project will expand their park. This will benefit the entire neighborhood.”

With no others indicating a need to speak to the matter, the public hearing was closed.

As discussion proceeded, Commissioners clarified the following:

When taking away a point on the park, consideration had been given to the combined HOAs.

Commissioner Benich thought a point should have been given for staying away from Ag land. PM Rowe informed that the buffer was not incorporated entirely within project, but relied on Hill Rd to accomplish that buffer area. Commissioner Lyle said he would ‘go for one point on this buffer, but did not think it was sufficient to warrant two points.”

PM Rowe stated staff would bring back final recommended scores for the projects following the changes indicated tonight for the next Planning Commission meeting.

ANNOUNCEMENTS:

PM Rowe said that recent City Council action regarding Planning Commission business was the Vierra appeal discussed during that agenda item this evening.

PM Rowe reminded Commissioners that the League of California Cities Planners Institute, saying reservations could still be made.

Commissioner Benich asked about the status of In 'N Out Burger? PM Rowe said that currently nothing has changed: there is the use permit which is valid through early June. The Planning Department will notify the applicant 60 days before the expiration date. Chair Mueller asked if the City Business Development Department is actively talking to them? PM Rowe responded that the Business Development staff is talking to them about sit-down restaurant partner to work with.

ADJOURNMENT: There being no further business, Chair Mueller adjourned the meeting at 10:20 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

